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August 14, 2024

Via ECF

Hon. Jesse M. Furman, U.S.D.J.
 United States District Court
 Southern District of New York
 40 Centre Street, Room 2202
 New York, NY 10007

**Re: Taurus Bartlett, p/k/a “Polo G” v. J. Noah B.V. and Jozef Wanno,
 Case No. 23-CV-10345 (JMF)**

Dear Judge Furman:

We are counsel for Plaintiff Taurus Bartlett, professionally known as “Polo G.”

We write pursuant to the Court’s Order dated June 14, 2024 (ECF No. 19) to “file a status update regarding service of process no later than August 14, 2024.” We further write to respectfully request an adjournment of the initial pretrial conference that is presently scheduled for August 28, 2024, as well as an adjournment of the concomitant deadline to file a joint letter and a Civil Case Management Plan and Scheduling Order.

As this Court has been apprised, Defendants J. Noah B.V. and Jozef Wanno (the “Defendants”) are based in the Netherlands and refused to accept service of process. Accordingly, we promptly engaged a vendor, ABC Legal Services, Inc. (“ABC Legal”), to serve the Defendants with process in the Netherlands via the Hague Convention.

Status of Service on Defendant J. Noah B.V. We recently received a Certificate of Service from ABC Legal; it establishes that J. Noah B.V. was served with process on January 24, 2024. Because J. Noah B.V. has not filed an answer, a Rule 12 motion, or any other appearance in the action, we have applied for the issuance of a Certificate of Default from the Court Clerk. Following the issuance of that Certificate of Default, we intend to prepare, and then file, a motion for default judgment against J. Noah B.V.

Status of Service on Jozef Wanno. As set forth in the accompanying Declaration of Sophia Mailhos, we have been informed by ABC Legal that the authorities in the Netherlands have lost the service of process documents for Jozef Wanno. As ABC Legal has stated: “... the central authority tells me it appears that they somehow lost the documents for that service, I have

provided them with another set of the documents and asked that they do that service ASAP." *Id.* Thus, it is possible that service of process through the Hague Convention on Mr. Wanno may still be completed. Nonetheless, in the interest of moving forward promptly with this action, Plaintiff intends to prepare, and then file, a motion requesting the Court to authorize an alternative form of service on Mr. Wanno. *See Jian Zhang v. Baidu.com Inc.*, 293 F.R.D. 508 (S.D.N.Y. 2013) (Furman, J.) (authorizing a Chinese defendant to be served through its United States counsel pursuant to Fed. R. Civ. P. 4(f)(3)).

Request for Adjournment of Court Conference. As noted at the beginning of this letter, Plaintiff respectfully requests an adjournment of the initial pretrial conference that is presently scheduled for August 28, 2024, as well as an adjournment of the concomitant deadline to file a joint letter and a Civil Case Management Plan and Scheduling Order. The basis for this request is that neither of the Defendants has appeared in this action. If granted, this request would not affect any other deadlines. This is our fourth request for an extension of this deadline. Our prior requests (which were made on the same ground that service of process has not yet been completed) was granted by the Court. As Defendants have not yet appeared in the action, they are not in a position to consent or object to this request.

We appreciate the Court's consideration of this matter.

Respectfully,

/s/ Jeffrey M. Movit
Jeffrey M. Movit

cc: Jozef Wanno, an individual defendant and the principal of defendant J. Noah B.V.
(*Via* Email and FedEx)

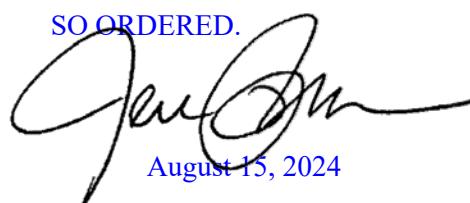
No later than **August 23, 2024**, Plaintiff shall file a letter explaining how (and why) Plaintiff discovered only now, seven months after the fact, that his process server had in fact served Defendant J. Noah B.V. in January. Making the situation even more puzzling to the Court is that Plaintiff has retained the same process server -- the very one that apparently served Defendant J. Noah B.V. on January 24, 2024 -- since at least December 20, 2023, *see* ECF No. 11, and since then, filed at least three letters, each representing that he has been unable to serve either Defendant, *see* ECF Nos. 12, 15, 18.

Furthermore, Plaintiff appears to have filed his request for a Clerk's Certificate of Default as a "motion for entry of default" in error. *See* ECF No. 21. That "motion" is therefore DENIED as incorrectly filed and premature.

Finally, the initial pretrial conference currently scheduled for August 28, 2024 is hereby ADJOURNED *sine die*.

The Clerk is directed to terminate ECF Nos. 21 and 23.

SO ORDERED.



August 15, 2024